

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-2 and 5-7 are pending in the present application. Claims 1-2 and 5-7 are amended; Claims 3-4 are canceled without prejudice or disclaimer; and Claim 7 is newly added by the present amendment. Support for the new and amended claims can be found at least at Figs. 46-49 and pp. 249 – 268 of the originally filed disclosure. No new matter is presented.

In the Office Action, the specification is objected to because of minor informalities; Claims 1-6 are rejected under 35 U.S.C. § 101; and Claims 1-6 are rejected under 35 U.S.C. § 112, second paragraph.

As an initial matter, Applicant appreciatively acknowledges the courtesy extended by Primary Examiner Harrell in holding a personal interview with the undersigned on September 9, 2009. During the interview, an overview of the invention was presented and the objection to the specification and the outstanding rejections under 35 U.S.C. §§ 101 and 112, second paragraph, were discussed. No agreement was reached during the interview pending the submission of a formal response to the outstanding Office Action.

The Office Action objects to the title as not descriptive. In response, a new title is provided, which is clearly indicative of the invention to which the claims are directed. Accordingly, Applicants respectfully request that the objection to the title be withdrawn.

The Office Action also objects to the specification as being “replete with grammatical and idiomatic errors to [sic] numerous to mention specifically”. However, upon Applicant’s further review of the specification no clear grammatical or idiomatic errors were apparent. Should such an objection be maintained in a subsequent Office Action, Applicant respectfully

requests that the objection identify specific examples of such informalities in the specification.

Moreover, the Office Action indicates that the specification “is not confined to only the defined invention within the claims”. However, the disclosure in the specification is closely related to, and provides support for, the features recited in the pending claims. As noted in the Interview Summary, Primary Examiner Harrell agreed that no changes to the specification would be necessary since the disclosure serves to provide full support for the features recited in the pending claims. Nonetheless, the “Disclosure of the Invention” section of the specification is amended to remove the sections not related to pending independent Claims 1 and 5-7.

Accordingly, Applicants respectfully request that the objections to the specification be withdrawn.

The Office Action rejects Claims 1-6 under 35 U.S.C. § 101, as directed to non-statutory subject matter. In response, independent Claims 1, 5 and 6 are amended as discussed during the interview to incorporate the term “hardware” and “computer readable hardware storage medium”. More specifically, Claim 1 is amended to recite a “content processing hardware apparatus”; Claim 5 is amended to recite a “computer program embodied on a computer-readable hardware storage medium”; Claim 6 is amended to recite that the method is performed by “a content processing hardware apparatus”. New Claim 7 also recites a “content processing hardware apparatus”, and is therefore also believed to be directed to statutory subject matter.

Accordingly, Applicants respectfully request that the rejection of Claims 1-2 and 5-6 under 35 U.S.C. § 101 be withdrawn.

The Office Action rejects Claims 1-6 under 35 U.S.C. § 112, second paragraph, as indefinite.

In response, Claims 1-2 and 5-6 are amended to clarify the features recited in these claims. More specifically, the Office Action cites the preamble of Claim 1 as an example of a basis for this claim being indefinite. The preamble of Claim 1 is now amended to clarify that the content processing hardware apparatus is connected to a content reproduction apparatus and a management server. Moreover, the claims are amended throughout to more clearly recite the process of transferring content between the content processing apparatus and the content reproduction apparatus as disclosed in an exemplary embodiment at Figs. 46-49 and pp. 249 – 268 of the originally filed disclosure. New Claim 7 recites analogous features.

Accordingly, Applicant respectfully requests that the rejection of Claims 1-2 and 5-6 under 35 U.S.C. § 112, second paragraph, be withdrawn.

Moreover, while the Office Action fails to set forth a rejection under 35 U.S.C. §§ 102 or 103, Kawamura et al. (U.S. Pub. 2005/0203991, herein Kawamura) is specifically noted. However, Kawamura is not available as prior art against the present application, as discussed below.

The filing date of the present Application is July 21, 2005. Kawamura (U.S. Pub. 2005/0203991) was published on September 15, 2005. This date is after the filing date of the present application (July 21, 2005). Thus, Kawamura (U.S. Pub. 2005/0203991) is not prior art under 35 U.S.C. §§ 102(a) and 102(b).

Furthermore, Kawamura (U.S. Pub. 2005/0203991) has **no** 35 U.S.C. §102(e) prior art date. Kawamura (U.S. Pub. 2005/0203991) is a reference based on the national stage (35 U.S.C. § 371) of an International Application filed on or after November 29, 2000, which was **not** published in English under PCT Article 21(2). All references, whether the WIPO publication, the U.S. patent application publication, or the U.S. patent, of an international application that was filed on or after November 29, 2000 but was not published in English

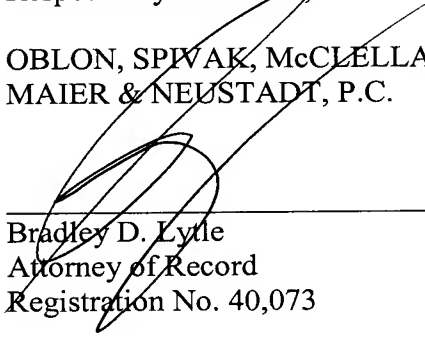
under PCT Article 21(2) have no 35 U.S.C. §102(e) prior art date at all. According to 35 U.S.C. §102(e), no benefit of the international filing date (nor any U.S. filing dates prior to the international application) is given for 35 U.S.C. §102(e) prior art purposes if the International Application was published under PCT article 21(2) in a language other than English, regardless of whether the international application entered the national stage.¹ The international application that Kawamura (U.S. Pub. 2005/0203991) is based upon is PCT/JP03/06552, which was filed on May 26, 2003. Thus, Kawamura (U.S. Pub. 2005/0203991) has no 35 U.S.C. §102(e) date.

PCT/JP03/06552 was published under Article 21(2) in Japanese as WO 03/102919 on December 11, 2003. However, WO 03/102919 is written in Japanese and Applicant's representative has not studied this reference.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-2 and 4-7 is definite and patentably distinguishing over the applied references. The present application is therefore believed to be in condition for allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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¹ 35 U.S.C. §102(e), and MPEP §706.02(f)(1) (see example 5 on page 700-34 and the flow chart on page 700-40 of MPEP, original 8th edition, August 2001, latest revision August 2006).